

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **MIGUEL ANGEL RIVERA MARTINEZ**
SSN xxx-xx-3010

CASE NO: **22-01616-ESL**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ADELA L TORRUELLA***

Total Agreed: **\$4,000.00** Paid Pre-Petition: **\$117.00** Outstanding (Through the Plan): **\$3,883.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$8,111.08

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Jul 20, 2022 (Dkt 19)** **Plan Base: \$48,600.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtor has two sources of income: (a) professional services for ROF Construction; and (b) self employed as a landscaper. Debtor must submit paystubs or certification from ROF construction, a statement of his landscaping income and bank statements for the six months prior to filing bankruptcy.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor has failed to commence making payments, arrears one month \$500.00.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

Until the value of collateral is determined for claims no. 2 and no. 3 by Popular Auto the plan is insufficiently funded.

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor must submit evidence of being current with DSO payments up to plan confirmation. Debtor has one DSO which he pays directly to beneficiary.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of filing 1040PR for the years 2019-2021.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the

plan. [1322(a)(1)]

Debtor informed that his DSO payments are for \$473.00, which is lower than the amount reported in Schedule I.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: July 26, 2022

/s/ Juliell Perez, Esq.

Last Docket Verified: 20 Last Claim Verified: 4 CMC: NM